DOCUMENT RESUME

ED 171 750 TM 008 851

AUTHOR Feldmesser, Robert A.
TITLE Minimum Competence As An Individual Right.
PUB DATE Oct 78
NOTE 19p.; Paper presented at the Conference on Minimum Competency Achievement Testing of the American Educational Research Association (Washington, D.C., October 12-14, 1978)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Basic Skills; *Civil Liberties; College Role; *Educational Certificates; Equivalency Tests; Graduation Requirements; Higher Education; Junior Colleges; *Minimum Competency Testing; Performance Based Education; Remedial Instruction; Secondary Education; *State Standards; *Student Certification; Student Rights; Testing Problems

ABSTRACT

After reviewing three current approaches to handling students who fail to meet minimum competency standards, the author proposes a new approach to minimum competency testing. The three common reactions are: (1) doing nothing to help failing students; (2) denying students their high school diplomas; and (3) requiring students to take remedial courses before receiving their diplomas. To avoid the punitive nature of these reactions, the author suggests that meeting minimum competency standards be viewed as an individual's right, if these standards represent skills which one needs to survive in contemporary society. The mechanism for establishing this right involves issuing a certificate to any state resident who meets standards set by the appropriate state agency. This certificate is separate from a high school diploma, which local school districts would continue to award according to standards they had set. Every resident who could not meet the minimum standards would have the right to take remedial instruction, at public expense, for as long as necessary. The author suggests that community colleges be the agency designated to offer the remedial courses for those residents who elect to meet minimum competence standards. (MH)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Robert A. Feldmesser

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC) AND USERS OF THE ERIC SYSTEM."

ED171750

TM008 851

MINIMUM COMPETENCE AS AN INDIVIDUAL RIGHT[1]

Robert A. Feldmesser
Educational Testing Service

Efforts to establish a minimum-competence (MC) standard for students are bound sooner or later to run into a troublesome dilemma, growing out of the problem of how to deal with students who have not yet met the standard as they near the end of their high-school education. In the discourse and enactments concerning MC testing to date, three ways of handling the problem have emerged, but all of them have major deficiencies.

First, one could do nothing at all about such students. Schools with large proportions of them might be required to institute remedial instruction or revise the remedial instruction already offered. But as far as the students were concerned, the standard would simply "be there"; no tangible consequences would flow from not having met it, and no one other than the students in question (and perhaps their parents) would even know that they had not met it. Though it may seem pointless, to have a standard that no one has to meet, this course of action--or inaction--does have the merit of avoiding the problems connected with the other procedures, which gives it a certain political appeal.[2]

---

[1] Paper prepared for a symposium at the Special Topic Conference of the American Educational Research Association on Minimum Competency Achievement Testing, Washington, DC, October 12-14, 1978

[2] The provisions described above characterize New Jersey's "thorough and efficient" law (Chapter 212). However, legislation is now pending which would change this situation to the one which will be described next.

Its obvious defect is that, precisely because it fails to create a need on the part of students to meet the standards, it presumably would greatly weaken the ability of the standards to increase the proportion of students who acquire the skills and knowledge they represent--and that ability is, of course, the ultimate justification for establishing MC standards. In short, doing nothing about the students who do not meet the standards undercuts the rationale for having the standards.

Secondly, such students could be denied their diploma, or issued a diploma that in some fashion attests to the fact that they have not measured up. That would put "teeth" into the standards, and it is the strategy that has received the greatest attention. A serious objection to it is that it imposes a penalty upon students that is not only harsh but unfair, because some of the fault may lie with the poor instruction the students had been receiving; and the injustice is compounded by the high probability that the students so penalized would come disproportionately from minority and low-income families. Thus, it is subject to the valid criticism that it is another instance of "blaming the victim."[3] There is a way of escaping that difficulty, and that is to set the standard--i.e., the passing

---

[3] Florida's MC law is an example of this type, and the Miami chapter of the NAACP has threatened a legal challenge to the state's MC test on the ground that the proportion of black students scoring below the standards was substantially higher than the proportion of white students. (Education Daily, February 7, 1978.) It has also been reported from Florida that the law has raised the dropout rate; some students, realizing that they may not receive their diploma, anyway, decide that there is nothing to be gained by staying in school any longer.

score on the MC test--low enough that the great majority of students would be able to meet it. It is very likely that that is exactly what would happen in states where attaining some specified MC test score is made a prerequisite for award of the diploma, since it would be intolerable, for reasons both humane and political, to deny high-school diplomas, or issue "second-class" ones, to large proportions of students. But if the standard is low enough to allow most students to meet it at present, then clearly it will exert no pressure toward the improvement of students' performance in the subjects tested. Again, the purpose of having the standard would be defeated.[4]

The third procedure--probably the one most commonly recommended and perhaps the one most frequently adopted--is to require that students who do not meet the standard take remedial instruction before receiving their diploma. This might reduce the number of below-standard students, though that is not a certainty: If a school has been unable to bring a student up to the standard before the senior year, why would it suddenly be able to do so during the senior year? At any rate, in principle this approach, rather than

---

[4] The Committee on Testing and Basic Skills of the National Academy of Education has said: "...any setting of state-wide minimum competency standards for awarding the high-school diploma...is basically unworkable because in many populous states cut-off points for a passing grade that are politically and educatively acceptable to parents, pupils, and educators would have to be so low that an overwhelming majority of students would be allowed to pass. This would make the diploma standard almost meaningless." See the Committee's report, Improving Educational Achievement (Washington, n. d.), p. 9.

solving the problem, merely puts off having to deal with it for a while. If the student gets the remedial instruction and then takes and fails the MC test again, we are back where we started from. If the student does not have to take the MC test again but has only to receive a passing grade in the remedial-instruction course, what is to be done about students who fail the course?[5] And if--as is the case in some jurisdictions--students are required to take the remedial course but need not earn a passing grade in it, we have a replication of the situation in which students do not have to meet the MC standard, and the same consequences would follow.

What I propose is that we slip between the horns of meaningless enactment and distasteful enforcement by establishing an MC standard not as a requirement imposed upon individuals but as a right which they enjoy. Actually, this approach is a logical corollary to the concept of an MC standard as representing a set of "survival skills" or a "functional necessity." If we are to declare that people really do need to acquire whatever we call "minimum competence" in order to survive or function, then surely they have a right to that level of competence. Of course, achievement in reading or mathematics cannot be made a "right" like voting, in the sense that it can be conferred upon individuals when they reach the age of 18. But there is a meaningful sense

---

[5] The teachers of these courses would be under great pressure to pass everyone, regardless of performance, to allow them to get their diplomas--the equivalent of setting a very low passing score on the MC test.

in which every person can be given an entitlement to social resources which it would be reasonable to call a "right to minimum competence." The mechanisms for establishing such a "right," the advantages it offers, and the questions that might be raised about it will occupy succeeding sections of this paper.

Conferring the right

Creation of a right to minimum competence would be accomplished by two provisions of state legislation:

1. A Certificate of Minimum Competence (CMC) would be established which would be awarded to any resident of the state who met educational standards set by the state board of education and/or the chief state school officer. The standards would represent levels of performance in reading (or language arts) and mathematics that were regarded as functionally necessary for every individual, and they would be expressed as specified scores on designated tests. Award of the CMC would be entirely separate from the high-school diploma, which local school districts would continue to grant under whatever conditions and in whatever manner they were already doing. No one would be required to take the test leading to the CMC, but anyone would be permitted to take it whenever it was offered. It might be helpful to think of the CMC as being analogous to a driver's license: It is a credential issued by the state to any person who passes tests whose content and passing scores are determined by state authorities; many people, especially young people, receive in their high schools the instruction that enables them to pass the exams (though they may

get it elsewhere if they wish), but the license has nothing to do with the high-school diploma; and no one is compelled to seek or possess a driver's license, although employers may make possession of one a prerequisite for certain jobs.

2. The state would declare that, when the MC standards had been set, it would be the right of every resident of the state to receive instruction in suitable and reasonably convenient form and at public expense until such time as he or she had attained the specified score, however long that might take. To implement this right, the state would designate a public agency or agencies which would have the duty of responding to any resident's request for instruction leading to the CMC. We will discuss below the question of what agency this might be.

In practice, the CMC program would work like this: Students would go through high school in the same way as at present. The MC tests would be offered a couple of times a year, and any students who wanted to could take them. A student who attained the necessary score would receive a certificate attesting to that fact. The high schools would presumably offer some sort of remedial instruction to students who did not attain the necessary score, but they could take it or not, as they wished. Such students would still receive their diplomas, or would be permitted to leave school prior to graduation, under whatever conditions already existed--i.e., without regard to whether they had earned the CMC. However, at any time after they had left school (whether with or without a diploma), they would be able to apply to the designated agency for further instruction in order to prepare for taking the MC test, and the

agency would be obliged to respond by offering educational counseling and by arranging, within a reasonable period of time, for suitable instruction at a convenient time and place. When these students felt ready, they would take the MC test at the next administration. If they passed, they would be awarded their CMC; if not, they could resume instruction, immediately or at any later time, until they did attain the necessary score. No charge would be made for any of these services.

As for the agency designated to furnish the services, there are several possible choices. One would be the local school district, but that choice has several drawbacks. The major one has already been alluded to: It seems unlikely that a school system which has not enabled some students to reach the MC standard by the time they are nearing the end of high school will be able to do so in another year, or two or three. Certainly the students themselves would be justified in being skeptical, and that in itself would diminish their motivation for utilizing the services. The inauspiciouness of the situation would be highlighted if the students were merely to be re-admitted to the high school's remedial-instruction classes--which would probably be regarded dimly by both the school administration and the students, anyway, if only because of the age heterogeneity that would result--while it would be expensive and inefficient for a school district to arrange for the special instruction of what might be only a small number of students. A second possibility would be the creation of a wholly new agency for this specific purpose, but

it would be a long time before it could be functioning smoothly; there is a question of where its staff would come from; and it would be an unnecessary addition to the governmental bureaucracy in view of the fact that a very promising alternative is already in existence.

That alternative is the public community college, which commends itself on a variety of grounds. It is a college, not a high school, and it is attended by people of all ages, thus lending some dignity to those who want to return for MC instruction, rather than causing them embarrassment. Yet unlike other collegiate institutions, the community college has traditionally been open to all persons at little or no cost and with few or no prerequisites. Many community colleges already accept educational counseling and remedial instruction as being among their primary missions; they often have, or can be expected to acquire, the faculty and the facilities for conducting such instruction effectively. Community-college campuses are not as readily available as high-school buildings (though in rural areas even that might not be true), but the other side of that coin is that the community colleges draw students from a wider area and so can offer specialized services more efficiently. At the same time, however, many community colleges, in keeping with their character and their mission, do conduct outreach programs to bring their services closer to where the people are who need them and at times when they can be used by those who may be working or caring for a family. Such efforts could be further encouraged if the state were to pay the full cost

of the staff and facilities connected with MC instruction--a not unreasonable expectation if the state is to designate the community colleges as the agency obligated to offer that instruction without charge to students.[6]

The nature of the instruction would be worked out in discussions between an educational counselor and the student. It might be intensive, occupying several hours a day for a few weeks or a couple of months. It might be given for a few hours a week over a longer period of time. It might be offered through conventional classes, though some of them would presumably be held in the evening or on weekends, and they would take place not only at the community college but also in storefronts, community centers, or church basements--possibly even in high schools, like many adult-education classes at present. (There is no reason, by the way, why regularly enrolled high-school students should be prohibited from making use of the community colleges' MC services.) Referral by the community colleges to other institutions--e.g., private or proprietary schools--could be in order as long as they were suitable to the purpose and the student did not have to pay. Self-instructional, self-paced programs, or televised instruction, would also be acceptable,

---

[6] If the community-college option is chosen, it goes without saying that the community-college authorities, and perhaps higher-education officials in general, would have to have a voice in determining the level of the MC standard. The New Jersey Commission on the Mission, Financing, and Governance of the County Colleges is currently considering making a recommendation for the establishment of the right to minimum competence, along the lines described in this paper, with the community colleges as the agencies of implementation.

provided that the students had ready access to a counselor or teacher who was willing and able to answer questions and to help in other ways.

Advantages of MC as a right

The establishment of MC as a right seems to overcome the objections that arise when MC is a requirement. It does provide an incentive for students to perform at the MC level, because employers and college-admissions officers will presumably begin to inquire if applicants have their CMC, much as they now ask about the high-school diploma. Yet at the same time, the presssure to keep the scores low would be relieved, for two reasons: First, students who fail to meet the standard before leaving high school would not have an irrevocable penalty imposed upon them; and second, seeking the CMC would be a voluntary act.[7] Even if prompted by inquiries from employers or colleges, the decision to seek it will have been arrived at by the individual, on the basis of his or her own experience. The initiation and termination of instruction--to some degree even its form--would be under the control of the students, something they can make choices about rather than a hurdle they have to jump at someone else's bidding and on someone else's schedule. All of these factors surely enhance motivation,

---

[7] Having the MC standard as a right rather than a requirement that must be met by a date certain eases another problem: the excruciating one of what to do about a student who misses the MC score by only a few points. If attainment of the standard was a right, the student would be able to take the MC test another time.

which in turn makes the acquisition of the necessary learning more likely and makes the setting of higher standards more feasible. By the same token, the MC entitlement places some of the responsibility for learning on the student, where indeed some if it inescapably belongs; this would help meet the objection of some teachers that MC legislation seems to demand that they bring students up to standard who show no desire to learn.

It is true that, even now, most school districts offer high-school equivalency courses, often without charge, so that a person without a diploma can voluntarily return for further instruction. In jurisdictions where meeting an MC standard is made a prerequisite for the diploma, the courses would presumably have to include appropriate basic-skills instruction. But in addition to the deterrents already mentioned, the idea of returning to high school to earn one's diploma is more daunting than the idea of going to school (and a community college at that) with the shorter-term and more limited goal of earning a CMC--though one would hope that a successful experience at the latter would lead, when necessary, to the former. Certainly the aim of "lifelong learning" is utterly unrealizable without mastery of the basic skills.

Besides meeting the objections to MC as a requirement, the right to competence has some advantages of its own. The most important of them is that it is intrinsically non-discriminatory. Enactment of the entitlement is a commitment by the state to give each individual whatever assistance he or she needs to reach the MC standards, without regard to "background factors"

or "disadvantagement" or "handicap." Implicit in that position is the premise that every person can be helped to attain the MC level, and a civilized nation should permit no other premise to be at the foundation of its educational system. The right to competence is the embodiment of equality not merely of educational opportunity but actually of educational outcome, at least at a minimal level.

A second virtue is that it leaves the conditions for award of the high-school diploma entirely in the hands of the local school district. The CMC would be a supplement to the diploma, not a substitute for it. More will be said about this below; for now, I want only to point out the political attractiveness of being able to say that local autonomy has remained unsullied.

Two additional favorable consequences might flow from having the community colleges serve as the vehicle for implementing the right to MC. The first of these is suggested quite tentatively. Many members of the administrations and faculties of community colleges are concerned that their institutions are often identified with the high schools rather than with the postsecondary segment of the educational system. This identification is connected with the common perception that the community colleges are attended by "low-ability" students and have relatively "low academic standards"; many community-college people would be reluctant to reinforce that perception by enlarging the remedial-educational function. At first glance, this would seem to be an obstacle to having the community colleges become the centers for MC instruction after high school. However, there is a countervailing force that might

convert the obstacle into an inducement. The open-access tradition is a source of great pride in the community colleges, and few of those involved with them would want to do anything to weaken it, even though it might mean that academic standards are thereby lower than might otherwise be possible--thus contributing to the "glorified-high-school" image. But if the community colleges were to become the agencies for carrying out the MC-entitlement program, they might then be justified in demanding a CMC as a condition of admission into their degree-credit programs. That would allow them to make greater demands on their students, and thus "raise standards," without attenuating the open-admissions policy. The community colleges would say, in effect:

> It is unreasonable to expect that students who cannot perform at the MC level will benefit from the degree-credit courses that we offer, and so students who lack the CMC cannot be admitted to those courses. However, we welcome them as students in our CMC program. We pledge to instruct them in ways and at times and places that correspond to their needs. We will not charge them for this instruction, and they may remain enrolled in the program for as long as necessary. When they have earned their CMC, we will be happy to enroll them in our degree-credit courses.

The score on the MC test, in short, would be the basis for a placement decision rather than for an admission-or-rejection decision. At the same time, it may be hoped that serving as

the instrumentality of a pioneering and noble-minded concept like the right to competence would give a strong sense of purpose, perhaps even of inspiration, to the institutions' remedial-education function.

The other potential advantage can be stated with a little more confidence. The opportunity to earn a CMC, and the right to receive preparatory instruction, would obviously have to be open to all residents of the state--i.e., to those who have left high school as well as to those who were still enrolled (as in the case of the driver's license). Many adults will surely want to have a CMC. Some will feel a need for instruction, and that will put them in contact with the community college; others will feel they can take the MC test without instruction, but they, too, could be brought to the community colleges by making the colleges the test-administration centers.[8] Thus, a large part of the population would become aware of the colleges and could be encouraged to make use of their other facilities--vocational counseling and other guidance services, occupational training and other kinds of continuing education, degree-credit and recreational programs, and exhibits, lectures, and concerts. It might not be too much to expect that the community colleges, building on the base of the right to competence, would become genuine, comprehensive educational centers for the areas they serve.

---

[8] This arrangement would seem to make the most sense, though some people might suspect a possible "conflict of interest."

Grounds for opposition

Finally, here are some of the objections that could be raised to the concept of the MC entitlement, and the ways in which those objections might be answered:

1. The MC entitlement would "take the schools off the hook"--i.e., it would relieve them of any responsibility for their students' acquisition of basic skills, because those in charge would know that the students would always have another chance later at no (financial) cost. Those who made this argument would presumably favor making MC a graduation requirement, so that the schools would "have to do something" about low achievement. But, as was explained at the outset, making it a requirement would almost certainly lead to the setting of a very low standard, one that perhaps 85 or 90 percent of present-day high-school students could meet--and that is really "taking the schools off the hook." There simply is no satisfactory way of holding "the schools" responsible; any effort to do so would ultimately penalize the students who failed to learn. In any event, the primary goal of educational policies should be to educate people rather than to allocate blame.

2. The MC entitlement would require that the state pay again--perhaps several times--for what the elementary and secondary schools were supposed to accomplish in the first place (in part, at least, with state aid). There is some truth in that; and in the long run, it is to be hoped--for the sake of all concerned--that children would be enabled to master the basic skills not later than the 12th grade. (Indeed, why not by the eighth grade?) Meanwhile, however,

the alternative to a refusal to pay a second or third or fourth time for what wasn't accomplished the first time is to have people who lack functionally necessary skills, and that is surely the less tolerable alternative for a democratic, complex, and wealthy society.

3. The MC entitlement would undermine the significance of the high-school diploma, because the CMC, based as it would be on "hard data," would become the really meaningful document.[9] I believe that that would be unfortunate. The high-school diploma has independent value that ought not be diminished. Despite the many criticisms of it, it does represent some accomplishments and qualities besides the (perhaps minimal) knowledge of some kinds of subject matter: a degree of punctuality and reliability, of cooperativeness, of willingness and ability to follow instructions and to conform to the rudiments of a moral code--the sorts of things that can be learned about from the judgments of teachers (as summed up in the award of a diploma) far better than from the responses to the items on objective tests. It would be irrational to ignore that information in favor of scores in reading and math, however important they may be. However, for that very reason,

---

[9] Note that this and the following criticism are applicable to making an MC score a diploma requirement as well as to the entitlement concept.

employers and college-admission officers are unlikely ever to disregard the diploma altogether.[10] If it is held important to assure that that does not happen, then the diploma could continue to be, or could be made (along with the CMC), prerequisities for taking certain civil-service and occupational licensing examinations.[11]

4. The MC entitlement would lead the high schools to neglect all subject matter other than that which is covered by the MC test. This rests on the belief that subjects in which the results are quantitatively measured and publicly reported will of necessity divert attention from those in which measurement is impossible or merely more difficult. I simply do not believe that that will happen to an unwanted extent. It is analogous to saying that since speed of running is more readily measurable than grace or agility of movement, having students run footraces will drive out the teaching of dance and wrestling and gymnastics. There is no sign that that has occurred.

---

[10] That is admittedly a speculative statement. But it is also true that we know remarkably little about how people outside the school system, and particularly employers, presently interpret and use the evidence of the possession of a high-school diploma, especially in the absence of a detailed transcript. Some useful and very interesting research could be done on that topic.

[11] A legal challenge to such requirements, on the grounds that they were irrelevant to job performance, could well be met by the response that the attributes mentioned above as being reflected in the diploma, and the capacity for further learning that is indicated by mastery of the basic skills, are pertinent to virtually any job. For some evidence of their lasting importance in facilitating later acquisition of information, see Herbert H. Hyman and others, The Enduring Effects of Education (University of Chicago Press, 1975).

5. The MC entitlement would create a class of professional students, who would take an insufferably long time to learn the basic skills, entailing unlimited expense on the part of the state and therefore rendering the whole scheme impracticable. This argument may refer to two quite different categories of people. On the one hand, there are those who might be pictured as being comparable to a permanent welfare class, forever dependent on handouts and open to suspicion of malingering. The comparison is not warranted. MC instruction would be free, but students would not be receiving financial assistance and so could hardly live off the instruction. There is no apparent reason for them to deliberately fail the MC test; and once they have passed it, they would no longer be eligible for free preparatory instruction, nor would they need it.

The other category is that of the mentally deficient or handicapped. For them, taking a long time to acquire the basic skills is not an artifice but a symptom of an unhappy condition. But this is a small group, and so the expense involved would not be insupportable. As long as such persons are willing to keep on trying to learn, for society to do anything other than try to teach them would be ignoble.